

PROB 12A
(6/21)

United States District Court
for
District of New Jersey
Report on Individual Under Supervision

Name of Individual Under Supervision: Moshe Butler

DKT: 11-CR-00854-001
12-CR-00278-001
18-CR-00605-001
PACTS #: 56121

Name of Sentencing Judicial Officer: THE HONORABLE KEVIN MCNULTY
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 11-CR-00854: 06/19/2012
12-CR-00278: 6/19/2012
18-00605: 09/18/2019

Original Offense: 11-CR-00854: Count One: Fraud By Wire, Radio, or Television, in violation of 18 USC 1343 and 2, a Class C Felony

12-CR-00278: Bank Fraud, in violation of 18 USC 1344 and 3147, a Class B Felony

18-CR-00605: Count One: Fraud By Wire, Radio, Or Television, in violation of 18 USC 1343, a Class C Felony; Count Two: False Statements to US Probation Officer, in violation of 18 USC 1001, a Class D Felony

Original Sentence: 11-CR-00854: 63 months imprisonment, 36 months supervised release;

12-CR-00278: 57 months imprisonment to run concurrent with sentence imposed under 11-CR-00854; followed by 36 months supervised release;

18-CR-00605: 27 months imprisonment, 36 months supervised release

Special Conditions: Special Assessment, Special Assessment, Special Assessment, Financial Disclosure, Gambling Restriction, Mental Health Treatment, No New Debt/Credit, Employment Requirements/Restrictions, Self-Employment/Business Disclosure, Place Restriction Area, Support Dependents, Fine

Violation Activity: **11-CR-00854/12-CR-00278:** Committed Another Crime; Gambling Restrictions and Gambling Exclusions Lists; and Failure to Pay Restitution

Violation Sentence: **11-CR-00854/12-CR-00278:** 09/23/2019. Supervised release is revoked. Imprisonment for a term of 6 months, consisting of 5 months to be served concurrently with Judgment in each of cases 11-CR-854 and 12-CR-278, and 1 month to be served consecutively with Judgment in 18-CR-605.

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/05/2021

NONCOMPLIANCE SUMMARY

The individual under supervision has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|--|
| 1. | You must refrain from all gambling activities, legal or otherwise, to include the purchase or receipt of lottery tickets and internet gambling. You must register on the self-exclusion lists maintained by the New Jersey Casino Control Commission and Racetrack Commission within 60 days of the commencement of supervision and remain on these lists for the duration of supervision. The U.S. Probation Office will supervise your compliance with this condition. |
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U.S. Probation Officer Action:

Upon his release from the Bureau of Prisons, Mr. Butler commenced supervised release on November 5, 2021. He presently resides with his wife and children at 807 Downing Street, Teaneck, New Jersey. He is employed as a salesman for ASK Consultant located at 555 Cedar Lane, Teaneck, New Jersey. Mr. Butler earns \$20,000 per month as verified by paystubs. Notably, Harlan Lyons, a partner and CEO of ASK Consultant, is aware of Mr. Butler's convictions and supervision status and remains supportive of him.

Mr. Butler has enrolled in New Jersey Gambling Self Exclusion List and submitted proof of same. Since November 2021, Mr. Butler has been remitting restitution payments toward the restitution obligation ordered under docket number 11-CR-854 at a minimum rate of \$500 per month. To date, he has remitted a total of \$16,115.75. The outstanding restitution balance is \$2,243,295.60.

The purpose of this correspondence is to advise that the Probation Office recently learned through an updated financial investigation that Mr. Butler engaged in gambling activities in December 2021. Specifically, on December 15, 2021, Mr. Butler gambled at the Rivers Casino located at 777 Casino Drive, Pittsburgh, Pennsylvania with a cash-in of \$10,200. On December 29, 2021, he gambled at Rivers Casino located at 1001 North Delaware Ave, Philadelphia, Pennsylvania with a cash-in of \$4,500 and cash-out \$135,400.

Mr. Butler was given permission to travel on December 15, 2021, to Pittsburg, Pennsylvania for work purposes on behalf of ASK Consultant to meet with clients at Pittsburgh Medical Center; however, he did not have permission to be in Philadelphia, Pennsylvania on December 29, 2021. In fact, he was given permission to travel for work purposes to Washington D.C. on December 29, 2021, on behalf of ASK Consulting to meet with clients at George Washington University Hospital.

When Mr. Butler was confronted about the gambling activities, he admitted to gambling and stated he had just started supervision at that time and was "not in the right head space." Mr. Butler stated he was with a friend at the casinos, and he did not gamble with his own money. Mr. Butler stated that he has made significant changes in his life to assist in his gambling recovery to help manage his behaviors. Notably, Mr. Butler has been attending weekly mental health treatment sessions with a private therapist, Lewis Abrams, LCSW. Mr. Abrams verified that Mr. Butler does attend regular sessions and is being treatment for gambling addiction, but that Mr. Butler did not disclose the gambling behavior in December 2021 to his therapist until well after the fact. Mr. Butler is also attending Gambler's Anonymous and has a sponsor that the Probation Office has verified.

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Moshe Butler

In response to the gambling behavior, Mr. Butler has voluntarily decided to place himself on gambling self-exclusion lists throughout the country and will be providing proof of same to the Probation Office. As a punitive measure, the Probation Office will not approve any travel outside of district, except for New York, which is a primary area he meets clients for employment purposes on behalf of ASK Consulting. No other travel will be permitted until we receive verification that he enrolled in gambling self-exclusion lists around the country. Notably, Mr. Butler had requested to travel to Hawaii with his wife for a vacation, but it was denied due to the gambling activity uncovered in December 2021.

At this time, we are respectfully recommending no action be taken against Mr. Butler as we monitor his gambling activities, mental health treatment and the remaining conditions of supervision. While we recognize the gambling non-compliance as troubling, we realize that relapse sometimes occurs during the recovery process and want to give Mr. Butler an opportunity to change his thinking errors and behaviors. The Probation Office will continue to monitor Mr. Butler closely in the community and maintain contact with his therapist, Gamblers Anonymous sponsor and employer.

Respectfully submitted,

SUSAN M. SMALLEY, Chief
U.S. Probation Officer

Carrie H. Borona

By: CARRIE H. BORONA
U.S. Probation Officer

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APPROVED:

Kevin M. Villa

06/29/2022

KEVIN M. VILLA

Date

Supervising U.S. Probation Officer

Please check a box below to indicate the Court's direction regarding action to be taken in this case:

- ☒ No Formal Court Action to be Taken at This Time (as recommended by the Probation Office)
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

/s/ Kevin McNulty

Signature of Judicial Officer

6/29/2022

Date